

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 08 2004

TECH CENTER 1600/2800



Application of: BARBERICH *et al.*

Application No: 09/527,844

Group Art Unit: 1617

Filed: March 17, 2000

Examiner: M. Bahar

For: METHODS FOR THE TREATMENT
OF NEUROLEPTIC AND RELATED
DISORDERS USING ZIPRASIDONE
METABOLITES

Attorney Docket No.: 4821-334-999

BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 C.F.R. §§ 1.191-2, an appeal is taken herein from the final rejection dated June 18, 2003, which rejects claims 1-15 and 50-53 of this application. Appellants submit herewith: (a) an original and two copies of this Appeal Brief; (b) three copies of each Exhibit cited in the Appeal Brief; and (c) a Petition for Extension of Time with provision for the required fee.

I. REAL PARTY IN INTEREST

The real party of interest is the assignee of the above-identified application: Sepracor Inc.


II. RELATED APPEALS AND INTERFERENCES

Appellants and their legal representatives hereby submit that they are not aware of any appeal or interference which directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

Thus, it is respectfully submitted that the final rejections of claims 1-15 and 50-53 under 35 U.S.C. §§ 102 and 103 are in error and warrant reversal by the Board.

Respectfully Submitted,

Date: December 30, 2003

 45,479
Max Bachrach (Reg. No.)
PENNIE & EDMONDS LLP
1667 K Street, N.W.
Washington, DC 20006
(202) 496-4400

For: Anthony M. Insogna (Reg. No. 35,203)
PENNIE & EDMONDS LLP
12750 High Bluff Drive, Suite 300
San Diego, CA 92130
(858) 314-1200